

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

In re: BISPHENOL-A (BPA))	MDL No. 1967
POLYCARBONATE PLASTIC)	Master Case No. 08-1967-MD-W-ODS
PRODUCTS LIABILITY LITIGATION)	
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JENNIFER MOELLERING,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-1000-CV-W-ODS
)	
HANDI-CRAFT COMPANY,)	
)	
Defendant.)	

**ORDER AND OPINION DENYING DEFENDANT HANDI-CRAFT'S MOTION FOR
SUMMARY JUDGMENT REGARDING JENNIFER MOELLERING'S CLAIMS**

Pending is Defendant Handi-Craft's Motion for Summary Judgment with respect to Jennifer Moellering's claims. The Court concludes there are disputed issues of material fact, so the motion (Doc. # 848) is denied.

A detailed recitation of the Court's view of the facts is unnecessary because it will ultimately be the jury's findings that are important. The facts, viewed in the light most favorably to Moellering, suggest that she bought one or two bottles manufactured by Handi-Craft but did not like them because they had small parts that were difficult to clean. Rather than dispose of the bottles, she stored them for possible use in emergencies. She still possessed the bottles when she learned of the controversy involving BPA, at which time she threw them out. Handi-Craft contends these facts demonstrate Moellering obtained all the value she expected from the bottles and thus suffered no damages.

Moellering's motivations and expectations are not conclusively established by the Record. Similarly, the Record does not conclusively establish that Moellering received

"full value" for the bottles she purchased. These issues will have to be resolved by a jury.

IT IS SO ORDERED.

DATE: July 23, 2012

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT